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Subject: EPA Mid-Atlantic Region Headlines - Monday - June 15, 2015

EPA Mid-Atlantic Region Headlines Monday, June 15, 2015

***** DAILY HOT LIST *****

EPA finds Maryland mostly on track in Bay cleanup, but Pennsylvania lagging badly

BALTIMORE SUN

(blog by Tim Wheeler - June 12) Maryland is mostly on track to do its part in the Chesapeake Bay cleanup, but Pennsylvania is lagging badly, according to federal officials. In reviewing states' bay restoration efforts, the [Environmental Protection Agency](#) found that [Maryland](#) is on course to reduce its share of the phosphorus and sediment fouling Chesapeake waters, particularly from farms and sewage treatment plants. But the state is falling short in curbing nitrogen, the EPA said, in part because changes in farming practices are allowing more of that polluting nutrient to run off fields. Federal officials also said efforts in Maryland to reduce polluted storm-water runoff from cities and suburbs are not moving fast enough to achieve the state's goals. More effort likewise appears needed to deal with worsening phosphorus pollution on the Eastern Shore, EPA said, where studies by the U.S. Geological Survey have reported excess use of poultry manure to fertilize farm fields. "Marylanders can feel proud of the progress we've made toward cleaner water. But now the road gets steeper," said Alison Prost, Maryland director of the [Chesapeake Bay Foundation](#). "The toughest problem ahead may be polluted runoff from our cities and suburbs." While Gov. Larry Hogan and lawmakers agreed this year on legislation revising stormwater control efforts, Prost said it would help reduce polluted runoff to the bay "only if local officials carry it out." The legislation repealed the controversial mandate that Baltimore city and the state's nine largest counties charge a storm-water cleanup fee, which critics derided as a "rain tax." But while giving localities flexibility in how they pay for controlling runoff, the law requires them to provide a detailed accounting of what they're doing and how they're financing it. Maryland and the other five states in the Chesapeake watershed, as well as the District of Columbia, are required by EPA to put enough measures in place by 2017 to achieve 60 percent of the pollution reductions needed to clean up the bay. They're mandated to get 100 percent in place by 2025. While EPA generally approved of Maryland's efforts, federal officials warned [Pennsylvania](#) it was lagging in curbing nitrogen and sediment pollution and "substantially off track" in dealing with farm runoff. "It is not clear what mechanisms or strategies Pennsylvania will use," the EPA said, to get back on track by doubling the acreage of farmland regulating the amounts of fertilizer put down. Federal officials also questioned state efforts to get farmers to plant forested or grassy buffers along streams to soak up polluted runoff from their fields. Moreover, EPA found Pennsylvania has made almost no progress toward

reducing polluted stormwater runoff from its cities and suburbs.

Chesapeake Bay recovery update: Good news, bad news

BALTIMORE - ABC2 NEWS

The good news is Maryland appears to be mostly on track with its goals to clean up the Chesapeake Bay. The bad news is the state is lagging behind in reducing nitrogen in The Bay and "still has a long way to go," according to the Environmental Protection Agency. (See the full report below) An over-abundance of nitrogen causes excessive algae to grow, which blocks out the sun and prevents plants from growing in the water. "In fact, excessive nitrogen flushed into the Bay by polluted runoff has actually increased by four percent in Maryland since 2009, according to the EPA's data," according to a release from the Chesapeake Bay Foundation.

Senate Republicans decry 'unnecessary' EPA methane rules

GREENWIRE

(Friday) Republican members of the Senate Environment and Public Works Committee yesterday wrote to President Obama blasting U.S. EPA's forthcoming curbs on methane leaked from new and modified oil and gas operations, arguing that the effort ignores progress industry is voluntarily making to rein in emissions. "Simply stated, the evidence is clear that these mandatory reductions are unnecessary and will be less effective than a voluntary, cooperative effort," the senators wrote in a [letter](#) spearheaded by panel Chairman James Inhofe (R-Okla.). EPA in January announced plans to limit methane from new and modified oil and gas wells and transmission infrastructure, and to expand restrictions for volatile organic compounds (VOCs) from existing wells in ozone nonattainment areas. Proposals are due this summer, with final rules coming next year ([Greenwire](#), Jan. 14). But Inhofe and six of his GOP colleagues argued that the petroleum industry has already made strides in limiting methane and would make more as EPA's VOC rule and state rules take their full effect. An added layer of federal regulation would yield little environmental benefit, the senators contended, but could harm the United States' status as the world's largest oil and gas producer. They also noted that while EPA excluded existing operations from its regulatory plan in January, the new source standards it plans under the Clean Air Act will automatically trigger rules for existing infrastructure that will be "even costlier and more far-reaching." They asked EPA whether its own legal analysis showed that the new source rule would trigger an existing source rule. EPA has pledged to expand its voluntary programs to cover existing oil and gas infrastructure, and the Republicans asked whether that scheme would "preclude future mandates" for those operations.

PENNSYLVANIA

PITTSBURGH POST GAZETTE

Waste not: Food rescuers step up to the plate against hunger June 13, 2015 - By the Editorial

Board - Tossed out a bruised apple or stale loaf of bread lately? If so, you have plenty of company. Researchers say more than a third of the American food supply is thrown out, not only in homes but also stores and restaurants. It's a travesty in a nation where 14 percent of households are considered "food insecure," unable to afford or obtain sufficient amounts of nutritional food consistently. Enter 412 Food Rescue, a Braddock-based network of angels. Its volunteers collect food that would otherwise be thrown out and distribute it to schools, shelters and home food-delivery programs. In just five months, they have salvaged more than 30,000 pounds of food, such as day-old baked goods from the Whole Foods market in East Liberty. Some of it goes home in backpacks, so children and their families have enough to eat over the weekend. For someone looking for a way to serve the community, it's hard to think of a worthier cause. Americans throw away more food than they do plastic, paper, metal and glass — 35 million tons of it, according to the Environmental Protection Agency. Worse, the healthiest foods — fruits and vegetables — are the most wasted because of their perishability, according to the Johns Hopkins Center for a Livable Future at the school's Bloomberg School of Public Health. "Americans perceive themselves as wasting very little food, but in reality, we are wasting substantial quantities," said study leader Roni Neff, an assistant professor at Johns Hopkins. The group founded by Gisele Fetterman of Braddock and Leah Lizarondo of Stanton Heights may change both perception and reality, not only by re-homing food but also by drawing attention to the problem of waste. They told Post-Gazette reporter Katerina Sarandou that they hope Pennsylvania will one day have a law prohibiting food waste, like France, which requires supermarkets to donate unused edibles. But the state may not need a law if this exemplary program continues to grow.

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PITTSBURGH TRIBUNE REVIEW

Upper St. Clair baseball field sinks more than 3 feet because of mine subsidence (June 10) Part of an Upper St. Clair baseball field in Boyce Mayview Park has sunk more than 3 feet, a result of mine subsidence that will close the field the rest of the summer, the township manager said. Starting last week, a 60-square-yard area between first base, second base and the outfield in the park's large baseball field sank between 3 and 3 1/2 feet, Manager Matthew Serakowski said. Representatives of the state Department of Environmental Protection's bureau of mines have helped the township's geotechnical engineering consultants evaluate the site. "They believe it's due to mine subsidence or a mine shaft failure," Serakowski said. "Pretty much all of Western Pennsylvania is undermined." The agencies and township will monitor the site for the next seven to 10 days to make sure it does not sink deeper or spread, but for now there doesn't appear to be any risk to the nearby grandstands or the large Community and Recreation Center, Serakowski said. DEP spokesman John Poister said his bureau's engineers are cautiously optimistic that the subsidence won't worsen. As long as no structures are threatened, it will be up to the township and its contractors to pump concrete underground to stabilize the mine and fill in the sunken part of the surface. "Typically, if an area (subsides), it goes in a larger area at once," Poister said. "But I don't think anybody is making any predictions at this point."

Price of water dries up wallets

June 13 updated today - The costs are enormous: \$105 million for a new West View Water Authority treatment plant, \$62.5 million to upgrade and expand wastewater facilities in McKeesport and up to \$40 million for Cranberry's wastewater plant. And the Allegheny County Sanitary Authority has started its \$2 billion federally mandated sewer overhaul to keep sewage out of rivers and streams. Customers pay for this. "America is blessed with clean drinking water, but that comes at a cost," said Township Manager Jerry Andree in Cranberry, where residential sewer bills increased about 26 percent last year and water bills will jump about 50 percent in August. The era of cheap water is over. Demand coupled with crumbling infrastructure, stringent environmental regulations, and little government funding have led water and sewer authorities to pump up rates and fees to cover maintenance, improvements and expansions. America's water and sewer infrastructure needs \$1 trillion in improvements and \$300 billion to meet environmental regulations, the Environmental Protection Agency found. In Western Pennsylvania, upgrades, expansions, repairs and compliance will cost more than \$3 billion, said John Schombert, executive director of 3 Rivers Wet Weather, a nonprofit working with municipalities on sewer issues.

PENN LIVE

Chemical fire contaminants to hit Susquehanna River by Saturday morning, DEP says Before sunrise Saturday morning a sludge full of contaminants and dead fish are expected to hit the Susquehanna River just south of Three Mile Island. That's where the Conewago Creek meets the border of Dauphin and Lancaster counties, and this week the waterway has been moving the byproducts of a chemical plant fire and thousands of dead fish. More than 10,000 fish have been killed since Monday when the Miller Chemical and Fertilizer plant fire in Adams County sent nitrites, nitrates, total organic carbons and several unknown substances into the Conewago. The Pennsylvania Fish & Boat Commission said that number could climb this weekend when the state Department of Environmental Protection expects the contamination to reach the Susquehanna. But nobody knows for sure. DEP has not announced water test results, and the Fish & Boat Commission is planning a thorough investigation next week. So far, more than 21 miles of aquatic life have been destroyed, according to the commission, but the DEP said the contaminated water is not expected to have a negative impact on the wildlife in the Susquehanna. "The contaminant levels have decreased over the last four days as the water travels 60 miles to the river. Those levels are expected to be diluted even more once the creek water combines with the volume of water in the river. We do not anticipate any significant negative impact to the Susquehanna," spokesman John Repetz said in an email.

DELAWARE COUNTY DAILY TIMES

Pa. House Speaker Turzai blasts gov's proposal to tax Marcellus shale (Friday) MARCUS HOOK -- Standing near the former Sunoco refinery that is transforming into a natural gas liquids facility, Pennsylvania House Speaker Mike Turzai, R-Allegheny, on Thursday decried Gov. Tom Wolf's severance tax proposal, claiming it's punishing an industry that has the potential to be a major job creator in the state. "We have a governor that has put out a ... tax on the development of shale, picking out a single industry in a punitive manner," he said. "You don't hear him talking about taxing reserves for insurance companies. You don't hear about him taxing timber. You see him singling out the development of natural gas, which has been responsible for the development of 250,000 new jobs in Pennsylvania." Wolf, a Democrat, has proposed a 5 percent

severance tax on output from natural gas reserves, a tariff that has been anticipated to generate \$2 billion for education. Turzai said the impact fee, which he said has produced \$225 million in revenues, is enough and that the severance tax would drive business away. "You put that tax on it, it does not economically make sense to develop that gas, to drill out of that ground, (businesses) can go to Texas and they can go abroad," Turzai said. "It's a global competition. The opportunity is in front of us and we cannot, we cannot miss this opportunity. A punitive tax like the governor's proposal kills jobs, period." State Rep. Thaddeus Kirkland, D-159, of Chester, disagreed. "I don't believe that taxing the Marcellus shale industry will drive the industry away," he said. "You have all these other states that are taxing the industry and they're not running out of there. They understand that this is a cash cow here in Pennsylvania. It will not stop jobs from coming to Pennsylvania, it will help our educational system."

HARRISBURG PATRIOT NEWS

Blog: Where's the furor over Wolf tapping shale exec for regulatory post? So imagine this headline: "Corbett administration taps shale industry exec for key regulatory post." You'd have to check outside for the rain of frogs brought on by the wrath of the state's environmental movement. But that's exactly what didn't happen last month when Gov. Tom Wolf, a Democrat, nominated Andrew Place, of Greene County, and an executive with Pittsburgh-based EQT Corporation, to a spot on the Pennsylvania Public Utility Commission. "Wolf administration taps shale exec for important regulatory post ...:" There wasn't so much as a "ribbet." The reason for the silence has as much to do with the nominee as it does the guy who's nominating him. Unlike his predecessor, Republican Tom Corbett, whose office was viewed as the Harrisburg Embassy of the hugely influential Marcellus Shale Coalition, Wolf ran for, and won office, in 2014 by promising to slap a severance tax on the drillers and to wean the state off its dependence on fossil fuels.

WTF-RADIO NPR HARRISBURG

Officials scramble to correct Conewago Creek contamination (Friday) Several days after Monday's fire at Miller Chemical and Fertilizer plant and the subsequent contamination of Conewago Creek, officials are still scrambling to address the problems associated with the incidents. Environmental specialists have identified nitrite, nitrate and total organic carbon as the chemicals that leaked into local waterways following the fire, Adams County emergency services Director John Eline said in a news release Thursday. "These are the substances responsible for the death of aquatic life on the Conewago," Eline said in the release, "and precluding further heavy rainstorms, this runoff will continue to diminish." Still, officials are saying cleanup from the fire and contamination will be a complicated process. Here are three things to know about the response efforts. Contamination of local waterways was inevitable given the scale of the Miller Chemical plant fire, Eline said Thursday. Authorities at the scene of the fire were aware that the runoff water would be diluted with nitrates, but they had no way to contain the fluid during the initial phase of the response, he said. Though they knew of the nitrates, Eline said, the primary concern in the early hours of the fire was monitoring the air quality to ensure there was nothing toxic in the smoke, he said. "We know we're going to be dealing with the impact of this for some time," Eline said. "We're trying to assure the general

public that they are not in any immediate danger." Large booms, which are used as makeshift dams, were quickly placed around the local waterways and calls were made to dig a retention pond while the fire still raged, he said. However before the crews could create the pond, the booms were overwhelmed and began to leak. "We were doing everything we possibly could to ensure the safety of folks in the area, to prevent water from getting in the waterways," Eline said. "The extent of the water used far exceeded our ability to respond. I can't say, 'If we had more of this or if we had more of that' it would have been prevented."

SCRANTON TIMES TRIBUNE

NEPA blanketed by gypsy moths (Friday) They're creepy. They're crawly. And in certain parts of the region, they're everywhere. Gypsy moth caterpillars have invaded the area in a manner not seen by residents in decades, plaguing those living in or near wooded areas. "You could sweep and sweep. I swept them in the morning and they're back again," Hanover Twp. resident Mary Ann Panaway, 60, said Thursday while spraying the furry critters off her Pearson Street home with a garden hose. "Look at my poor tree. They devoured it." The birch tree in her front yard resembles thousands of trees visited by the gypsy moth caterpillars in recent weeks around the area: bare, due to the pesky leaf munchers that feed on trees. But that's only part of the headache: They cluster all over her house, car and sidewalks — and often leave a foul mess behind. It's a lost cause trying to keep them out of her pool, she says. "You could clean and clean, but they come back," she said. The good thing for people like Ms. Panaway is the bugs will soon die off, or transform into moths, which will then mate and create eggs. The bad thing? Next year, the nuisance insects could be an even bigger problem if preventative measures are not taken, according to one expert. "That's a prediction, based on seeing the number of caterpillars," said Vincent Cotrone, urban forester for the northeast region of Penn State's College of Agricultural Sciences. "Those caterpillars are not going to fly to Monroe County and lay their eggs. They are going to lay the egg masses here. We're going to have tons of egg masses everywhere." Spraying the egg masses right after they hatch next May will be crucial to limiting the amount of insects that emerge next year, Mr. Cotrone said.

PRESS ENTERPRISE

Shooting-range runoff tested Sweet Valley neighbor's lead fears prompt EPA look at state Game Commission site By Michael Lester - Press Enterprise Writer SWEET VALLEY — The U.S. Environmental Protection Agency tested soil and water runoff near a Class A trout stream here for possible lead pollution after finding...

SUN GAZETTE

'Green' ideas concern for 1 city councilman

June 13, 2015 By MARK MARONEY (mmaroney@sungazette.com) , Williamsport Sun-Gazette

City Council passed the latest version of the Chesapeake Bay Pollution Reduction plan Thursday with regret. (this is the full story/brief)

YORK DAILY RECORD

How soon can Conewago Creek rebound after the fish kill?

Biologists say that is unknown at this time, and more work will be done

By Teresa Boeckel - tboeckel@ydr.com - Dead fish found floating in the murky Conewago Creek might only show the surface of the damage that was done after contaminants from a massive fire at Hanover-area fertilizer plant leaked into the waterway last week. Whether other aquatic life — including insects — survived below the water's surface could reveal the impact of the damage. If the bugs survived, crayfish can eat the insects, and fish can eat the crayfish. The area of the creek affected by the runoff could repopulate fairly quickly. But if the bugs are gone, too, that's a different story. *Follow live as a reporter and photographer traverse the creek on Saturday* Employees with the state Fish and Boat Commission are still counting the number of fish killed in the creek — it now stands at more than 10,000 — and in the next two weeks, staff will be identifying areas of the creek to sample and estimate how much aquatic life has died, spokesman Eric Levis said.

WASHINGTON, D.C.

WASHINGTON POST

Sorry, “skeptics”: Global warming may not be so great for plant life after all Climate change is already a heavily charged issue, fraught with political tension. But complicating the mix are a slew of misconceptions about exactly how it will affect the planet and its inhabitants. One confusion involves plant growth. Some skeptics have argued that rising carbon dioxide levels could actually benefit agriculture, and in fact, research shows that rising temperatures and more carbon dioxide can be a boon to plants — up to a point. But that's not the whole story, according to researcher Camilo Mora, a professor of geography at the University of Hawaii at Manoa. And in a new paper, published today in the journal PLOS Biology, he and his colleagues attempt to set the record straight. The study examines not only the effects of rising temperatures, but also how solar radiation and water availability impact plant productivity — specifically, their effects on the number of “suitable growing days” for plants worldwide. The researchers looked at these variables under several different climate change scenarios: The worst of these is the “business-as-usual” trajectory, which is the amount of warming the planet will experience if humans do nothing to cut down on carbon emissions. The scientists also evaluated scenarios where there was a strong or moderate reduction in emissions. The results indicate that climate change may not be the net positive to plants that some prior research has suggested. If humans allow global warming to go on unmitigated under a business-as-usual scenario, the Earth could lose a significant number of suitable growing days per year by the end of the century. And that's bad news for people as well as plants, with the potential for widespread food shortages and economic downturns.

Climate engineering would cool down the planet — but it may not save West Antarctica For some time now, fears of climate disaster have been at least partly assuaged by the thought that if the planet really begins to heat up, well, at least we may have a backup plan. That backup plan is so-called “geoengineering” — artificially altering the planet still further so as to offset warming temperatures. One leading idea in the space is to fill the Earth's stratosphere with sulfate aerosol

particles, which would have a cooling effect by reflecting sunlight back to space. We know this would work because we know that large volcanic eruptions cool the planet, and that they do so by a similar mechanism — firing sulfur high into the skies. But it's also very risky — there are many possible unintended consequences of geoengineering. Thus, the only reason to really consider it is if you're on the verge of climate impacts so severe — impacts like, say, the potential collapse of the West Antarctic ice sheet, leading to 10 or more feet of global sea level rise — that it becomes the lesser evil. That's why a new study recently accepted in *Geophysical Research Letters* could be so significant. For it calls into question whether geoengineering — at least using sulfate aerosols — can actually save this ice sheet, which is already beginning to be destabilized in our warming world. The new paper, by Kelly McCusker of the University of Victoria in British Columbia, Canada, and two colleagues from the University of Washington in Seattle, uses a climate and ocean model simulation to examine the fate of West Antarctica in a world in which humans pump huge volumes of sulfate aerosols into the atmosphere to curb global warming. And it finds that while the planet would indeed cool in such a scenario, West Antarctica would continue to melt, especially in the region of the vulnerable Pine Island glacier. Thus, the authors conclude, the notion that this form of geoengineering can serve as “a ‘backstop’ measure that could be rapidly deployed to avoid so-called climate emergencies, such as destabilization of marine ice sheets” is “not supported in this study.” Indeed, the article's title puts it even more bluntly: “Stratospheric sulfate aerosol injections cannot preserve the West Antarctic Ice Sheet.”

DELAWARE

WILMINGTON NEWS JOURNAL

ran also in Delaware News

Questions remain over data center, power plant (June 13) MIDDLETOWN – Despite citizen concerns over potential emissions, noise and a plan that remains in development, a large data center and power plant proposed for Middletown's Westown area appears to be on track for final approval. Plans and permits remain to be considered and issued. But all the necessities seem to be in place – including zoning – and town officials have given the project preliminary approval. Not a question was raised by town council at its June 1 meeting. Outside the potential difficulty of obtaining a state air permit, there's no reason to think the proposal won't continue to get green-lighted. Citizens, however, raised some two hours' worth of questions that evening. Some were outright opposed to the project; others demanded tougher scrutiny or more consideration for environmentally friendly or "green" alternatives. Some are already looking ahead to the public hearing the air permit mandates. Several also said they are concerned the plan is on a "fast track" to approval. First made public at the council's April 6 meeting, the project could receive final approval, possibly contingent on the issuance of certain permits, as early as July 6. The developer would like to break ground this fall and complete the work by the end of 2017. Mayor Ken Branner said the \$250 million project – down from an initial estimate of \$300 million – will

require more than 2,000 workers to complete. The number and capacity of data centers, used to receive, store, process and transmit information, have grown worldwide with the explosive growth in Internet traffic, the demand for information services, mobile phone use and remote "cloud" storage requirements. While estimates vary widely, the White House said late last year that U.S. data centers use more than 2 percent of all the electricity the country generates. As measured by peak power load, the data center proposed in Middletown will be a 40-megawatt facility, according to Steve Lewandowski of Cabe Associates, which is representing property owner Mautom LLC. Those with questions about the project say they want more detail – particularly on the 52.5-megawatt power plant that will be built alongside the data center. They have a ready point of reference: the failed 279-megawatt natural gas co-generation plant project on the University of Delaware campus that was spiked last summer to the cheers of vocal opponents who cited potential noise and air pollution, among other concerns. An internal working group recommended the school reverse the initial agreement to build the facility, saying it was "not a good fit" for UD. The school subsequently terminated a 75-year lease agreement. A major concern was that the project's business model seemed to be centered around profiting from the sale of excess power to the grid and that the power plant was "not subordinate to the data center." At least one industry observer said the developer's intent was plain to see. "To me, at least, it was pretty clear what they were trying to do – to use the data center as a cover for building a big natural gas power plant that they could use for then selling to the market, and make a bunch of money doing that," said Jonathan Koomey, a research fellow at the Steyer-Taylor Center for Energy Policy and Finance at Stanford University and expert on the impact of data centers.Contact William H. McMichael at (302) 324-2812 or bmmichael@delawareonline.com. On Twitter: [@billmcmichael](https://twitter.com/billmcmichael).

WEST VIRGINIA

WEST VIRGINIA STATE JOURNAL

'Tank bill' becomes WV law June 12, other deadlines approaching (Friday) A law passed in the 2015 WV legislative session regarding the regulation and inspection of aboveground storage tanks will take effect June 12. The new law is a modification of legislation passed in the 2014 session in response to the Jan. 9 chemical leak of MCHM. The Republican-led WV House and Senate changed the measure to exclude tanks facing what lawmakers said was double regulation. The bill, Senate Bill 423, amended the Aboveground Storage Tank and Public Water Supply Protection Acts. The West Virginia Department of Environmental Protection said July 1 is the date when all tanks must be registered or be subject to possible enforcement action. Necessary modifications to previously registered tanks must be completed July 1 in order to ensure accurate invoicing, DEP said. Among the changes is an altered definition of what is considered an aboveground storage tank. Therefore, tank owners who previously registered their tanks may need to remove some tanks from the AST Program. If tank owners don't de-register tanks that no longer fit the statutory AST definition by July 1, those owners will be sent registration invoices of \$40 per tank. Tank owners who are unsure if their tanks still meet the definition are advised to take a short survey on the DEP's AST page, which can be accessed from the agency's home page.

This survey, titled “Do I need to modify my existing registration?” can also be accessed directly on the AST page. If tank owners determine their tanks are exempt from the provisions of the new AST Act, they can click on the “Modify an existing registration” link to go to DEP’s Electronic Submission System. Once logged in, they will need to select “new” for process, and “Waste Management” for office and they’ll then be directed to the “AST EZ Deregister” modification form. Any tanks in use not registered with DEP by the July 1 deadline will be considered out of compliance with the law and could be issued violations and possibly fines. The original date for registering tanks under the previous AST Act was Oct. 1, 2014, so all ASTs should actually already be registered. All tanks going into service after July 1 need to be registered prior to their use for storing liquids. The DEP has revised the AST program rule, based on the amended AST Act. The proposed rule will go through the legislative process again during the 2016 session.

BLUEFIELD DAILY TELEGRAPH Cutting the EPA: Correct approach by Jenkins

(opinion) As a member of the powerful House Appropriations Committee, U.S. Rep. Evan Jenkins, R-W.Va., is in a unique position to help southern West Virginia. And that includes his service on the Appropriations Subcommittee that actually handles the budget of the federal Environmental Protection Agency. Jenkins announced last week that he has been able to cut \$1.2 billion in funding from the EPA as part of a proposed 2016 Appropriations bill. Jenkins said the EPA funding targeted for elimination was being used to wage the Obama administration’s ongoing war on coal. The measure cleared the subcommittee last Wednesday. The bill also seeks to block the implementation of new rules on coal-fired power plants and seeks to prevent the EPA from implementing a controversial new water rule that would designate puddles and ponds as “navigable water,” Jenkins said. As promised, Jenkins said he and other members of the Appropriations subcommittee went through the EPA’s budget with a “fine tooth comb” and found millions upon millions of taxpayer dollars that are being used to wage a war on the coalfields of southern West Virginia and neighboring Southwest Virginia. “We led the charge to cut that money out,” Jenkins said. “For example, the EPA was looking for millions of millions of dollars — taxpayer dollars — to hire an army of lawyers to fight lawsuits like (West Virginia Attorney General) Patrick Morrisey and 11 or 12 other state attorney generals are waging against this administration, and I just said no. There was just example after example of where taxpayer dollars were going to fund the war on coal, and today we had a big victory in stopping that effort.” That’s right. The EPA is using our own taxpayer dollars to kill thousands of coal-mining jobs across West Virginia and Virginia. Unbelievable. Although funding used for the war on coal was cut from the EPA budget, Jenkins said the subcommittee also added funding to the Appropriations bill for fossil fuel opportunities for research and development, clean-coal technology and alternative uses for fossil fuels such as coal. “So this is a balanced approach,” Jenkins said. “While we are making cuts to stop the EPA, we are also making significant investments of tens of millions of dollars to help areas such as southern West Virginia that have been so detrimentally impacted by this administration’s war on coal.” Cutting funding from the EPA’s budget that is being used to harm the coalfields of southern West Virginia and Southwest Virginia is the correct approach, and it is something that should have been done years ago. We applaud Jenkins for leading this effort in the House. Congress can make a difference by controlling and cutting when necessary the purse of federal agencies that are exceeding their designated authority. Jenkins says the measure will move to the full House Appropriations Committee for approval next week, and then to the full U.S. House of Representatives. A similar companion bill has been introduced in the U.S. Senate by U.S. Sen. Shelley Moore Capito.

Jenkins says he is cautiously optimistic that there are enough votes for the Appropriations bill to pass the Republican controlled U.S. House of Representatives. So are we. This is an opportunity for the new Republican majority in both the House and the U.S. Senate to live up to a critical campaign promise, and to make a significance difference in helping parts of the country that are suffering as a result of a six-year-old war on coal led by President Obama.

MARYLAND

BALTIMORE SUN

Catonsville and Arbutus restaurant owners still waiting for Maryland crab Headlines around the region for the past two years have warned of low crab populations, and local restaurant owners say they are still waiting for the rebound. "If we were dependent on Maryland crabs, we probably would have been closed 10 years ago," said Sam Molloy, co-owner of Captain Dick's Crabs Galore on Southwestern Boulevard in Arbutus. With Maryland not yet producing enough crabs to harvest and sell this year, the restaurant is subsisting largely on sales of Louisiana crabs, she said. But the situation of using crabs from out of state is far from ideal. Since 2012, she said, the price she pays for a bushel of Louisiana crabs has gone up more than \$100. Although she's paying less now than she was earlier this year, she said, the cost of shipping crabs in from the Gulf of Mexico is still a major strain on her family's longtime business. Many Baltimore-area seafood restaurants gets their crabs from Louisiana while they wait for the Maryland supply to start coming in, she said. Two trucking companies drive bushels up one to two times each day for restaurant supplies. While crabs from Florida and Texas are usually flown, she and other Maryland business owners have found trucking to be the best method to get crabs from closer regions, she said. Crabs used to be flown to Baltimore via commercial airlines, but after having to deal with instances limited space resulting in of bushels of crabs being left on the tarmac in favor of fitting all of the travelers' luggage into the plane, Molloy said it was decided waiting on the truck delivery was worth it. She said she was paying \$295 for a bushel at the beginning of the season and is now paying \$275. Usually, the cost for Maryland crabs is about \$175 a bushel, she said.

ANNAPOLIS CAPITAL GAZETTE

An estimated 645 people participate in 4.4-mile Great Chesapeake Bay Swim After more than four miles, the leaders in the 24th annual Great Chesapeake Bay Swim Sunday were separated by seconds. "They are neck and neck," said race coordinator Vicki Saxon of Baltimore. In the end, 18-year-old Ben Lawless of Owings, arrived at the finish line first, completing the swim in 1:26:41 — a few minutes off the record. How did the rising sophomore at the University of Florida feel? "Tired." _

DAILY TIMES

Time to rethink Maryland's energy policies --OPINION: Nuclear contributes to fuel and tech

diversity needed for a resilient electricity system. (June 13) Concern about global warming has led many nations to think about their energy policies. Before the Fukushima nuclear accident in 2011, many countries considered nuclear power as a viable option. Afterward, nuclear power was no longer a feasible choice in many countries. For example, in reaction to Fukushima, Germany immediately began closing its nuclear plants. Its goal is to be completely nuclear-free by 2022. The electricity previously generated by nuclear is planned to come from renewables, particularly wind and solar photovoltaic. The Germans have learned the important lesson that with current technology, increasing wind and solar power requires an increase in electricity generated by fossil fueled technologies. In Germany's case, this means coal. In addition to increased carbon dioxide emissions, electricity prices have risen significantly. Today, Germany's electricity prices are significantly higher than most parts of the United States. In fact, they are among the highest in the world. This has motivated German industrial companies like Siemens and BASF to transfer some of their operations to the United States. The lure is cheap, reliable energy.Dan Ervin is a professor of finance at Salisbury University's Perdue School of Business

VIRGINIA

RICHMOND TIMES-DISPATCH

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Permit for Army plant near Radford to burn explosive waste is up for renewal
also story also ran in Roanoke Times Sunday, June 14, 2015 - Rex Springston Richmond Times-Dispatch RADFORD — Almost every day, a siren goes off, a loudspeaker blares a warning and red lights spin at the Radford Army Ammunition Plant, a sprawling munitions maker that dates to World War II. In a rare occurrence outside this part of Southwest Virginia, workers are burning hazardous, explosive waste in the open air next to the New River. The waste can contain pollutants such as chromium, barium and mercury. Some of the pollutants have been linked to lung problems, neurological troubles and other ills when consumed in sufficient concentrations. Combustion of the waste also can produce dioxin, believed to cause cancer at high enough levels. “There are people breathing when they are downwind from these burns,” said Maria Bowling, a Sierra Club member and former Radford University English teacher. “What are they breathing? We don’t know for sure.” The burning is regulated by a state-issued permit that is up for renewal this year. Worries that the burning could hurt the public are not based in reality, said Leslie Romanchik, hazardous-waste program manager for the state Department of Environmental Quality. “We have a permit in place that has controls to protect public health and the environment.” If any pollutants go off the plant, Romanchik said, “they are not going to be going off at any levels that will be hurting people.” The fires have burned for decades at the plant, which produces propellants that put the zip behind rockets, missiles, artillery rounds and bullets for the military. Lying near the plant — called “the arsenal” by many — are hundreds of homes, an elementary school and a Virginia Tech farm that provides food for students. Computer simulations, or models, conducted by the plant indicate pollutants from the

burning are so dispersed that the public is not endangered. But no one tests ambient air near the burns. Monitoring would involve looking for individual chemicals, and the DEQ says the burning releases so many pollutants that they would be tough to track. Asked if the burns put the public at risk, state health officials referred questions to the federal Agency for Toxic Substances and Disease Registry, the lead health agency overseeing the plant. Jill Dyken, an environmental health scientist with the federal agency, said by email: "The current permit is based on standards that do not predict any excessive risk to the community." She indicated, however, that her agency is hindered by a dearth of specific information about pollution created by the burning. "The lack of air sampling results to confirm emissions at the open burning ground or to characterize air exposures in the community is a data gap limiting (the agency's) assessment of community exposures," Dyken said. Built in the early 1940s to help the World War II effort, the arsenal encompasses about 4,000 acres 5 miles north of Radford in Montgomery and Pulaski counties. It employs about 1,500. The New River runs through it, and the open burning operation is located on the banks of the river. The burning went on with little government oversight for decades. In 1980 the federal government began regulating it under new hazardous-waste rules, and today the burning is governed under a 10-year DEQ permit issued in 2005. The plant has until June 29 to apply for a renewed permit. "We are looking very closely" at the permit because of the interest in it, said DEQ spokesman Bill Hayden. The agency is encouraging plant officials to find alternatives to the burning. The open burning of hazardous or toxic waste was fairly common decades ago, before strict environmental rules became the norm. Under government regulations, hazardous waste includes explosives and certain toxic wastes. In Virginia today, such burning is rare but not unique. NASA's Wallops Flight Facility on the Eastern Shore and the Naval Surface Warfare Center at Dahlgren east of Fredericksburg also hold state permits for hazardous-waste burning. But the burning program at Radford is much bigger and draws more attention.

HOPEWELL NEWS

New Hopewell stormwater fee begins in August (Friday) HOPEWELL — Beginning in August, residents in Hopewell will have a new fee. A mandatory stormwater fee, required by state and federal mandates, will become a new line item on residents' sewer bills, at a rate of \$4 a month, for a total of \$48 a year. Urban stormwater is the number one source of surface water pollution in the United States. Stormwater runoff also causes public safety hazards, health risks and environmental threats, according to information presented by Benjamin Leach, stormwater systems engineer. The mandate requires a comprehensive plan to treat the issue of stormwater pollution. By 2017, the city "must achieve at least a 60 percent reduction of nitrogen, phosphorus, and sediment," as compared to 2009 regulations. Much of the regulations are coming from a federal level, such as the Chesapeake Bay Protection and Restoration Executive Order and The Clean Water Act. State regulations in regard to stormwater runoff are coming from the Chesapeake Bay Preservation Act and the Virginia Stormwater Management Act. Each single-family household in the city will be charged a flat rate of \$48 a year, or \$4 a month. The rate is considered preliminary and can be adjusted by City Council, according to the ordinance. The fee will appear on residents' sewer bills in August. Leach said, at a council meeting on May

12, there are some parcels, about 500, in the city that do not receive sewer bills and that will be assigned on a case by case basis. The ordinance also spells out the penalty for any delinquent stormwater fees. "Any delinquent Stormwater Utilities Fee, together with all interest due, shall continue a lien on the property ... and shall be collected in the same manner as provided for the collection of unpaid taxes," the ordinance states. Residents have a chance to qualify for a discount on the fee. Leach said residents can receive up to a 20 percent discount if they follow best management practices to reduce the effects of stormwater runoff. Some of the best management practices include building rain gardens, using rain barrels and increasing the use of permeable pavers, which allow the stormwater to soak into the ground.

MISCELLANEOUS

GREENWIRE

House Republican likens EPA ozone rule to eating peas (Friday) House Republicans today fired away at U.S. EPA's air chief, claiming that the agency's proposal to tighten the country's ozone standard is unrealistic and would put a strain on the country's economy. Rep. Ed Whitfield (R-Ky.) expressed "frustration" with the Clean Air Act, saying it should require EPA to consider the economic impacts of tightening air standards for pollutants like ozone, which EPA is on schedule to do by Oct. 1. "It's all about the benefits, the benefits, the benefits," said Whitfield, the chairman of the Energy and Commerce Subcommittee on Energy and Power. "There are detriments to these actions." EPA has proposed lowering the current standard for ozone -- the main component of smog -- from 75 parts per billion to between 65 ppb and 70 ppb. The agency is also reviewing comments on a standard as low as 60 ppb. Industry groups and Republicans have urged the agency to retain the current standard, which was set during the George W. Bush administration. "Many of us feel very strongly that you should continue to implement the existing rule," Whitfield told acting EPA air chief Janet McCabe. EPA officials contend that they are following the letter of the law. The Clean Air Act, they note, requires the agency to review air standards every five years and tighten them when science shows lower levels of pollutants are necessary to protect public health. The agency cannot consider costs in those deliberations. For the ozone standard, EPA's proposal is in line with what its panel of independent scientific advisers recommended. The "health benefits of the proposed standard are substantial," McCabe said.

Senate Republicans decry 'unnecessary' EPA methane rules (Friday) Republican members of the Senate Environment and Public Works Committee yesterday wrote to President Obama blasting U.S. EPA's forthcoming curbs on methane leaked from new and modified oil and gas operations, arguing that the effort ignores progress industry is voluntarily making to rein in emissions. "Simply stated, the evidence is clear that these mandatory reductions are unnecessary and will be less effective than a voluntary, cooperative effort," the senators wrote in a letter spearheaded by panel Chairman James Inhofe (R-Okla.). EPA in January announced plans to limit methane from new and modified oil and gas wells and transmission infrastructure, and to expand restrictions for volatile organic compounds (VOCs) from existing wells in ozone nonattainment areas.

Proposals are due this summer, with final rules coming next year (*Greenwire*, Jan. 14). But Inhofe and six of his GOP colleagues argued that the petroleum industry has already made strides in limiting methane and would make more as EPA's VOC rule and state rules take their full effect. An added layer of federal regulation would yield little environmental benefit, the senators contended, but could harm the United States' status as the world's largest oil and gas producer. They also noted that while EPA excluded existing operations from its regulatory plan in January, the new source standards it plans under the Clean Air Act will automatically trigger rules for existing infrastructure that will be "even costlier and more far-reaching." They asked EPA whether its own legal analysis showed that the new source rule would trigger an existing source rule. EPA has pledged to expand its voluntary programs to cover existing oil and gas infrastructure, and the Republicans asked whether that scheme would "preclude future mandates" for those operations.

MARYLAND: Enviro sue governor over smog rule cancellation (Friday) Two environmental groups have sued Maryland Gov. Larry Hogan (R) for blocking an air regulation that would have required emissions curbs at two coal-fired power plants. The Chesapeake chapter of Physicians for Social Responsibility, the Maryland Sierra Club and Earthjustice contend that the state's Division of Documents acted illegally when it withheld publication of former Gov. Martin O'Malley's (D) power plant rule from the *Maryland Register*. The rule would have required the plants to cut emissions of nitrogen oxides 48 percent by 2020. "By blocking these critical public health protections, Gov. Hogan acted contrary to both public opinion and the law," said Michael Soules, a lawyer for Earthjustice. "The law is clear: Once these safeguards were adopted, they were official, and the new governor could not lawfully block them." Maryland Environment Secretary Ben Grumbles defended Hogan's action. "We are absolutely committed to winning the battle on smog and doing it in the smartest and fairest way possible," Grumbles said.

WATER POLLUTION: Groups accuse coal company of repeat violations, false reports (Friday) Several environmental groups are threatening to sue Kentucky coal mining company Frasure Creek Mining LLC in federal court over allegations of repeated Clean Water Act pollution reporting violations. Frasure Creek -- a unit of Mumbai, India-based Essar Group Ltd. -- has for years been under environmental group and regulatory scrutiny in Kentucky. And groups -- including Appalachian Voices, Kentucky Riverkeeper, Kentuckians for the Commonwealth, Waterkeeper Alliance and the Sierra Club -- say the company has continued submitting false monitoring reports, despite ongoing state and federal litigation. The groups say almost half of Frasure Creek's first-quarter 2014 water monitoring reports were duplicates of earlier documents. When the company submitted corrected reports to the state, the groups say, many of those were fake, too. "Of the discharge monitoring report data for which we were able to obtain the original lab results, 25 percent of the reports falsely reported no violation," said Appalachian Voices watchdog Erin Savage, "when in fact, a violation was present on the original lab documents."

EPA chief, Sen. Reid will headline annual LCV dinner (Friday) U.S. EPA Administrator Gina McCarthy and the Senate's top Democrat will take star turns at the League of Conservation Voters' annual Washington, D.C., dinner later this month, the green group announced today. The EPA chief will deliver the keynote speech, and Senate Minority Leader Harry Reid (D-Nev.) will receive LCV's lifetime achievement award when environmental leaders gather at the June 23 fundraising gala at the Reagan Building and International Trade Center. McCarthy, who replaced

former EPA chief Lisa Jackson in 2013, is leading the Obama administration's push to finalize the Clean Power Plan, a sweeping rule aimed at slashing carbon emissions at coal-fired power plants. The White House Office of Management and Budget is currently reviewing the rule and is slated to release a final version in August.

COAL ASH: N.C. Supreme Court sides with Duke Energy on cleanup rules (Friday) Duke Energy won what could be a major legal victory yesterday, as the North Carolina Supreme Court vacated a lower-court ruling that regulators could force the utility to take "immediate action" to clean up the sources of groundwater contaminated by coal ash. The court ruled that the coal ash legislation approved last year superseded the ruling, which was the product of a legal challenge filed against Duke in 2012, before the 2014 coal ash spill that contaminated the Dan River. The earlier ruling by Wake County Superior Court Judge Paul Ridgeway said Duke was required to address the source of the groundwater contamination -- the presence of the coal ash ponds -- before it cleaned up the groundwater. The state law orders Duke to close its 32 coal ash ponds by 2029 and requires cleanup plans for contaminated groundwater at 14 of its coal-fired power plants in the state. "We think the court's ruling is appropriate, and we are pleased to close this issue so we can continue moving ahead with safely and permanently closing ash basins," Duke Energy spokeswoman Erin Culbert said.

FEDERAL WORKFORCE: Hackers stole data, SSNs from every employee -- union (Friday) A government employees' union said hackers have stolen personnel data and Social Security numbers for every federal employee. The assertion suggests that the data breach announced earlier this month was larger than the Obama administration has acknowledged (Greenwire, June 5). J. David Cox, president of the American Federation of Government Employees, wrote in a letter to Office of Personnel Management Director Katherine Archuleta that the union believes "that the Central Personnel Data File was the targeted database, and that the hackers are now in possession of all personnel data for every federal employee, every federal retiree, and up to 1 million former federal employees." That assessment is based on "sketchy" information provided to the union by OPM about the investigation, Cox wrote. OPM has said publicly that stolen data "could include" personnel file information such as Social Security numbers and birth dates. Sen. Harry Reid (D-Nev.), who has been briefed on the hack, blamed the attack on "the Chinese" without elaborating. The Obama administration has not publicly blamed the Chinese government, which has denied being involved. The union letter accuses OPM of a "cybersecurity failure," alleging that employees' Social Security numbers were not encrypted, making them easy to obtain.

INSIDE EPA

CBD Pressing For ESA Consultation During Expedited EPA Pesticide Reviews

Dave Reynolds (dreynolds@iwpnews.com) (June 12) The Center for Biological Diversity (CBD) is preparing to urge EPA to conduct thorough Endangered Species Act (ESA) consultations even as the agency plans to accelerate registration reviews of controversial

neonicotinoid pesticides -- as environmentalists have advocated -- as part of the Obama administration's strategy for addressing pollinator declines. The administration's strategy, released May 19, outlines several actions to protect pollinators, including improving their habitat, assessing stresses to bees from pesticides and other factors blamed for bee declines, and acting where appropriate. Among other things, the strategy says EPA has "further expedited" its Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration review of neonicotinoid pesticides. Although environmental groups have long sought expedited reviews, arguing sufficient scientific evidence already exists to justify banning neonicotinoids, a source with CBD says those reviews should include consultation with federal wildlife officials on risks to listed species. "How can you accelerate the final decision if you don't consult" with federal wildlife officials, as required by ESA? the source says. "Are you going to throw out a decision that isn't going to comply with the ESA?" The source contends accelerated registration reviews that still contain adequate protections for listed species may be possible, though EPA staff have not answered the group's questions on whether the neonicotinoid reviews will include ESA consultations. CBD intends to call for consultations on potential risks to listed species in future comments to the agency, the source says. But EPA, in an email response to a question from *Inside EPA*, says that given the expedited reviews, the agency will be unable to assess potential risks to all endangered species. The agency says its ecological assessment for neonicotinoids will weigh risks to bees, aquatic species and other non-target organisms, and that the agency will consider ESA reviews for neonicotinoids after completing consultation on five substances, that are serving as pilots for a new federal process for assessing risks to listed species. "After we complete the first five pilot ESA assessments (e.g., chlorpyrifos, diazinon, malathion, carbaryl, and methomyl), we will make a determination as to how quickly we can complete ESA assessments for the neonics," according to the EPA email. While several environmental groups in recent months have pressed EPA to restrict neonicotinoids to protect bees, advocates, including CBD, have also been pushing EPA to more broadly apply the new federal process for assessing risks from pesticides to endangered species. Section 7 of the ESA requires federal agencies to consult with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, collectively known as the services, before taking action that could harm listed species. But federal officials have long failed to complete the consultations, in part because of differences in statutory requirements of FIFRA and the ESA.

CHESAPEAKE BAY JOURNAL

Maryland's Governor, two departments, sued for stalling clean air regulation --*Would have reduced smog, meant less nitrogen in Chesapeake*

By Rona Kobell on June 11, 2015 -- The Chesapeake Physicians for Social Responsibility and the Sierra Club filed a lawsuit today against Maryland Gov. Larry Hogan and two of his departments for blocking a clean-air rule that would have protected the public. The regulation, known as the NOx rule (for nitrogen oxide), would have required coal fired power plants to reduce the amount of NOx they emit. That, in turn, would reduce ground level ozone, a key component of smog, and a health threat. The nitrogen in NOx is also a major pollutant of the Chesapeake Bay as it settles out of the air. Under Gov. Martin O'Malley, the state had engaged in a multi-year process to develop the regulation. It was on its way to be printed in the Maryland

Register on Hogan's Inauguration Day. Hours before he would dance at the Inaugural Ball, Hogan pulled the NOx regulation and another pending rule, a phosphorus regulation, known as the PMT. While the PMT was eventually enacted into law by the General Assembly, the NOx safeguards remain stalled. Environmentalists had hoped that permanent NOX safeguards would become law shortly. When they did not, the groups decided to sue Hogan and the Division of State Documents and the Maryland Department of the Environment. Nitrogen dioxide pollution from coal-fired power plants lead to harmful ozone levels, a key component of smog, that make it harder to breathe and increase complications from asthma. Baltimore City, Anne Arundel and Prince George's County have some of the worst air pollution in the country, and received an F from the American Lung Association for the number of "Code Orange" days due to high pollution levels. Today was a Code Orange Day in Baltimore. "These protections would result in fewer new cases of asthma in children, fewer heart attacks in adults, and fewer deaths from respiratory illness. They would allow those suffering from this pollution to breathe a little easier," said Gwen DuBois, an internist at Sinai Hospital of Baltimore, a member of the board of Chesapeake Physicians for Social Responsibility and a member of the public health committee of The Maryland State Medical Society. You can [read the court filing here](#). EarthJustice brought the suit on behalf of the two organizations.

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